

TENNESSEE REGULATORY AUTHORITY

Deborah Taylor Tate, Chairman
Pat Miller, Director
Sara Kyle, Director
Ron Jones, Director



460 James Robertson Parkway
Nashville, Tennessee 37243-0505

NOTICE OF FILING

DOCKET NO. 00-00873

IN RE: *Tennessee Regulatory Authority Telephone Service Standard Rules*

DATE: January 16, 2004

Attached is a proposed revision to Rule 1220-4-2-.07 of the proposed Telephone Service Standard rules entitled "Obligations of Resellers and Underlying Carriers of Local and Intrastate Long Distance Service Upon Termination of Service." This proposal would amend the June 12, 2002 version of proposed Rule 1220-4-2-.07, Termination of Local Service to a Reseller or Cessation of Service by a Local Telecommunications Service Provider.

A Notice of Rulemaking was filed with the Secretary of State in this docket on September 29, 2000. After a rulemaking hearing and extended comment period, the Authority held three workshops on January 16, January 30 and February 20, 2001. The Authority also received extensive written comments before and after the workshops and afterward considered, but did not finalize, the proposed rules at an Authority Conference held on June 18, 2002.

At the regularly scheduled Authority Conference held on November 10, 2003, Chairman Deborah Taylor Tate requested that proposed Rule 1220-4-2-.07, Termination of Local Service to a Reseller or Cessation of Service by a Local Telecommunications Service Provider, be pulled out from the rest of the proposed Telephone Service Standard rules in this docket for the staff to further revise the proposed Rule. The attached proposed revision to Rule 1220-4-2-.07 is the result of that directive.

Interested parties should file written comments concerning this amendment to proposed Rule 1220-4-2-.07 with the Authority no later than **January 30, 2004**.

For the Tennessee Regulatory Authority:



Deborah Taylor Tate, Chairman

cc: Interested Parties

Original in Docket File

1220-4-2-__ Obligations of Resellers and Underlying Carriers of Local and Intrastate Long Distance Service upon the Termination of Service

- (1) The purpose of this rule is protect those customers who are obtaining their local and/or long distance service from resellers from termination of their service without adequate notice. Because of the public safety implications, local service providers shall have additional obligations as listed below.
- (2) This rule applies to any telecommunications reseller that ceases the provision of any telecommunications service in all or any portion of the state of Tennessee. This rule does not apply to:
 - (a) Cessation of a service when a reseller replaces the terminated service with comparable service without interruption as long as such change is in compliance with Rule 1220-4-2-.56; and
 - (b) Discontinuance of a service that has no subscribers.
- (3) No underlying carrier shall terminate local or long distance service to a reseller until the following requirements are met:
 - (a) The underlying carrier shall provide no less than thirty (30) days written notice to the reseller that service will be terminated on a date certain along with the reason(s) for such action. A copy of such written notice shall be filed simultaneously with the Authority.
 1. The underlying carrier is allowed to disconnect the reseller after a 48 hour notice and approval by the Authority chairman if there is evidence of fraud or abuse or unreasonable interference with the underlying carrier's network. If this emergency provision is invoked the underlying carrier is still required to comply with section (4) (e),(f) and (g).
 - (b) Within ten (10) days of receipt of the underlying carrier's written disconnection notice to the reseller, the reseller shall give written notification to its customers or make arrangements with the underlying carrier to place an intercept recording on the end-user's telephone line advising its customers that their service will be terminated on a day certain. Such notice shall be no less than ten (10) days prior to the date of disconnection. The notice shall advise end-users of the following:

1. Advise its customers of the need to choose another local or long distance telecommunications service provider to continue service after a date certain;
 2. When local service is involved, the local reseller shall advise its customers that failure to choose another provider may result in the underlying carrier providing service during a fourteen (14) day interim period after the termination date or until the customer selects another provider. Failure to choose another provider within the fourteen (14) days after the termination date may result in a loss of service; and
 3. Provide customers any and all relevant information, if available, that may assist the customers in selecting another local or long distance telecommunications service provider.
- (4) Additional Local Service Obligations for Resellers and Underlying Carriers:
- (a) The reseller must provide the underlying carrier any and all relevant information, including but not limited to its customers names and telephone numbers, to ensure that end-user customers will not experience service outage; and
 - (b) The reseller must file a copy of its notice or the text of the voice message to its customers with the Authority within the ten (10) day time period required in 3(b).
 - (c) If the reseller fails to fulfill its obligations under sections 3(b) (1) and (2), the underlying carrier shall notify the reseller's customers seven (7) days prior to terminating the reseller's local service and recover costs associated with such a notice from the reseller.
 - (d) The reseller shall refund to its customers any credits due as a result of the termination of service within thirty (30) days of the termination of the service. The reseller shall provide information to its customers on how such credits will be determined and distributed.
 - (e) The underlying carrier shall provide basic local exchange service, as defined in Tenn. Code Annotated § 65-5-208, to the customers of the reseller for at least fourteen (14) days following disconnection of the reseller's service, or until the customer selects another provider of local service, whichever is less. If a customer selects a new service provider, the underlying carrier may charge

the new provider for the service at the rate set forth in a tariffed Emergency Service Continuity Plan approved by the Authority.

- (f) Immediately after termination of service by the reseller, the underlying carrier shall notify any remaining customers of the temporary change of service provider during the transition period of subsection (e), and any change in service, rates, terms or conditions that shall be imposed on the customer and the need to select a local service provider within a date certain or lose local service.
 - (g) Within the fourteen (14) days after termination of service by the reseller, the customer must make an affirmative choice to stay with either the underlying carrier or select another carrier. The underlying carrier is not obligated to provide service to the customer after the fourteen (14) day transition period. Service may be terminated after the fourteen (14) day transition period unless the end-user has either transitioned to a new service provider or has placed an order to transition to the underlying carrier.
- (5) Violation of this rule shall be subject to the provisions and penalties of Tenn. Code Ann. § 65-4-120.